17

S.B. CIVIL MISC. APPEAL NO.1454/2006.
(Smt. Mani & Anr. Vs. Kesa Ram & Ors.)

Date of Order :: 12th February 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. S.K. Sankhla, for the appellants.

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Heard learned counsel and perused the award impugned.

For awarding compensation to the grand-mother and brother of the vehicular accident victim Asuram, said to be 20 years in age and working as Khalasi on a truck, the Tribunal has taken monthly income of the deceased in absence of any other cogent corroborative evidence at Rs.2,100/- and after deducting one-third therefrom on his personal expenditure, has taken loss of contribution for the claimants at Rs.1,400/- per month. The Tribunal has noticed the fact that the parents of the victim had already expired and the claimants were his grand-mother and brother respectively in about 67 and 13 years of age. Having regard to the circumstances of the case, the Tribunal has observed that the claimant No.2, brother of the victim, was likely to be dependent on the deceased for about 7 years and, therefore, has applied multiplier of 7 to assess pecuniary loss for the claimants at Rs.1,17,600/- and has further allowed Rs.2,000/-

towards funeral expenses. In this manner, the Tribunal has made award of compensation in the sum of Rs.1,19,600/- in favour of the claimants together with interest @ 6% per annum from the date of filing of the claim application.

The award aforesaid, though moderate, cannot be said to be too low or grossly inadequate so as to warrant interference in appeal. On the facts of the present case where the dependents are shown to be the victim's grand-mother, in over 65 years of age, and brother, in about 13 years of age, the Tribunal has taken a reasonable view of the matter and has assessed pecuniary loss with application of multiplier of 7. Of course, the Tribunal has not allowed any amount towards non-pecuniary loss but in the ultimate analysis the amount awarded by the Tribunal as compensation to the claimant-appellants cannot be said to be falling too short of just compensation admissible in this case.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

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